



FILED IN OFFICE  
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COFFEE COUNTY, GEORGIA  
**SUS2019000633**  
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IN THE SUPERIOR COURT OF COFFEE COUNTY  
STATE OF GEORGIA

*Elisa Gillis*  
Elisa Gillis, Clerk  
Coffee County, Georgia

RACHEL ALDRIDGE, as Surviving  
Mother of BROOKLYNN ALDRIDGE,  
Deceased

Plaintiff,

v.

GEORGIA DEPARTMENT OF  
HUMAN SERVICES, and the GEORGIA  
DIVISION OF FAMILY AND  
CHILDREN SERVICES,  
DISTRICT 11,

Defendant.

Civil Action No: SUS2019000633

**ORDER ON DEFENDANT'S MOTION TO DISMISS**

Pending before this Court is the Defendant Georgia Department of Human Services' (DHS) Motion to Dismiss. The Court, after having read the Motion, the Response of the Plaintiff, held a hearing on the motion, and considered all pleadings of record, as well as all applicable law, hereby **GRANTS** Defendant's Motion to Dismiss.

Specifically, this Court finds that the Plaintiff in this case has not met its burden of demonstrating a waiver of sovereign immunity. *See Ga. Dept of Labor v. RTT Assocs., Inc.*, 299 Ga. 78 (2016). Pursuant to *O.C.G.A. 50-21-1(a)*, sovereign immunity is waived in a contract action against a state agency for a breach of any written contract. *Id.* The contract cannot be based on some theory based on the actions of the parties or an implied contract, it is clear that the contract must be one in writing and meeting the elements of a formal contract. *See Ga. Dept.*

*Comm. Health v. Data Inquiry, LLC*. 313 Ga. App. 683 (2012). In the present case, no document relied on by the plaintiff could be construed as a written contract signed by the parties and meeting the elements necessary to provide for a waiver of sovereign immunity.

WHEREFORE, Defendant Georgia Department of Human Services' Motion to Dismiss is hereby **GRANTED**.

**SO ORDERED**, this 13 day of April, 2021.



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ANDREW C. SPIVEY, JUDGE  
COFFEE COUNTY SUPERIOR COURT